

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARLIN E. JONES,)
)
Plaintiff,)
)
vs.)
)
TERRY L. BURNS,)
)
Defendant.)

4:06CV3051

ORDER

By order dated July 25, 2007, the plaintiff was given until and including August 15, 2007 to show cause why the defendant should not be awarded reasonable costs and attorney's fees incurred in defending plaintiff's motion to deem certain requests for admissions admitted.

Plaintiff responded to this order by mailing, *ex parte*, a letter to the court generally complaining that his behavior resulted from his inability to retain counsel in this matter. In this matter alone, the court has declined several requests to appoint counsel to represent the plaintiff, citing the well-known principle that no civil litigant has the right to be represented by an attorney in federal court. While people have the right to present legitimate claims in this court, they do not have the right to act unreasonably during the course of the lawsuit at the expense of the opposing parties and the court.

A person who summons another party into federal court takes on serious responsibilities. As a litigant in this court, the plaintiff is bound by the Federal Rules of Civil Procedure and the Local Rules of Practice and is expected to make a reasonable attempt to follow the rules, particularly Rule 11, quoted in the court's previous order.

Having considered plaintiff's *ex parte* response (which will be filed so that opposing counsel receives notice of it), I find that monetary sanctions should not be imposed at this time; however, the court will have little sympathy with any more unreasonable actions that result in unnecessary litigation expense.

IT IS SO ORDERED.

DATED August 3, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**